

OGC Has Reviewed

Approved For Release 2001/09/03 : CIA-RDP82-00357R000600130033-0 ~~REF ID: A66777~~

OGC 77-3814
15 June 1977

MEMORANDUM FOR: Deputy Director of Personnel

STATINTL

FROM : [REDACTED]
Office of General Counsel

SUBJECT : The Detailing of Employees to Higher-Graded
Positions Beyond 120 Days Without Prior
Civil Service Commission Approval

1. Your recent inquiry concerning the [REDACTED] claim for backpay has raised several questions in my mind concerning the Agency's personnel structure. It is my understanding that Agency policy presently mandates that the CIA follow both general and specific Civil Service Commission guidelines insofar as doing so is practicable and in keeping with the Agency's mission and functions. [REDACTED] STATINTL
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[REDACTED] Regarding the detailing of employees, [REDACTED] states that "assignments will normally be made to a position at the employee's grade." The only exceptions to this rule involve training or necessity, and would not appear to justify the widespread disregard of [REDACTED] in the Agency.

2. While I can understand how it may be necessary to place a GS-10 employee in a GS-11 position for a short period of time (quite possibly beyond 120 days) when such action is necessary to this Agency's unique requirements and the urgency with which these requirements arise, the "slot" system appears to have completely pervaded the Agency personnel structure. It is generally accepted among all Agency personnel, not just DDO and DDS&T employees, that routine procedure requires them to have a slot or position usually one or two grades above their own grade level. In fact, I have also been given to understand that although DDO is the Directorate where the CIA exemption would be most applicable, DDO is the one Agency Directorate where grade and slot levels seem to match. Although this may be due in large part to current foreign policy trends which minimize CIA's operational mission, it could be forcefully argued that if DDO with its operational mission has no need for the slot system then certainly there is not a general Agency need for it, except in exceptional circumstances. I would therefore recommend that the Office of Personnel

reevaluate our grade and slot system as it applies to Agency personnel needs, and determine if a change is in order. This is particularly relevant in view of the Agency's recent determination that statutory exemptions will not be utilized unless they are operationally necessary.

3. Any comments or suggestions you may have on this subject would be greatly appreciated.



STATINTL

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED	CONFIDENTIAL SECRET		
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	Director of Personnel	16 JUN 1977	16 JUN 1977
2	Rm. 5E13, Hq.s.		
3			
4	D/Personnel		J
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks: <p>Questions Existing System - Might Be good for 4 o'clock discussion - - want Comments!</p> <p>This man needs some education re how we are our people. We'll plan the next + try.</p>			
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FORM NO.
1-67

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(40)

STATINTL


Deputy Director of Personnel
5E 58, Headquarters

6825

6 May 1977

STATINTL


Mr.  OGC
7D 01, Headquarters

Dick:

Attached is another claim from a man concerning back pay based on recent Comptroller General decisions. We recognize that your office issued a ruling in this case, but that preceded the final CG decision. As far as I am convinced, your ruling holds, but please remember that the newspapers have suggested that employees who believe they have such a claim should first exhaust their internal administrative remedies, and failing success there to insist that the case be referred to the Comptroller General.

I need not tell you that a reversal of your earlier ruling would have a massive impact on the Agency's personnel procedures. Notwithstanding that, some of these individuals will settle for no less than referral to the Comptroller General for a decision.

In your review of this and the earlier cases we have sent to you, you might consider informally touching base with the Comptroller General to determine if they would reaffirm their earlier decision if asked. I recognize that this could be risky. If you wish, let's discuss.



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Mr. [REDACTED] OGC
7D 07, Headquarters

The attached material may be of use
in connection with your review of
our current cases.

STATINTL

[REDACTED]
Deputy Director of Personnel

TRANSMITTAL SLIP		DATE 6 MAY 1977
TO: Chief, Review Staff		
ROOM NO. 1006	BUILDING Ames	
REMARKS: Please see [REDACTED] note to Mr. [REDACTED] transmitting this latest case to OGC for a ruling.		
FROM: Bonnie, O-DD/Pers		
ROOM NO.	BUILDING	EXTENSION
FORM NO. 241 1 FEB 55		
REPLACES FORM 36-8 WHICH MAY BE USED.		
(47)		

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TO	NAME AND ADDRESS	DATE	INITIALS
1	DDIOP/P.C.	5/3	DM
2			
3	DDIPers 4 MAY 1977		-
4	May - We're forwarding		
5	the report to OGC -		
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks: #1 - F47 #3 - Per our conversation - holding final on this till you check with OGC on status of [redacted] request for Comp Gen opinion on (I gather) Agency policy. DE 56520WHEI If OGC is [redacted] to CG [redacted] will need an interim - tell him OGC May			
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[redacted]			5/2
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